



WILENTZ, GOLDMAN & SPITZER P.A.

ATTORNEYS AT LAW

90 Woodbridge Center Drive
Suite 900 Box 10
Woodbridge, NJ 07095-0958
732.636.8000
Fax 732.855.6117

Meridian Center
Two Industrial Way West
Eatontown, NJ 07724-2265
732.542.4500
Fax 732.493.8387

110 William Street
26th Floor
New York, NY 10038-3927
212.267.3091
Fax 212.267.3828

Two Penn Center Plaza
Suite 910
Philadelphia, PA 19102
215.940.4000
Fax 215.636.3999

www.wilentz.com

Please reply to:
Woodbridge
Direct Dial: (732) 855-6021
Direct Fax: (732) 726-6689

DAVID T. WILENTZ (1919-1985)
G. GEORGE GOLDMAN (1922-1959)
HENRY M. SPITZER (1926-1988)
WARREN W. WILENTZ (1949-2010)

MORRIS BROWN
FREDERIC K. BECKER²
NICHOLAS L. SANTOWASSO (1980-2010)
RICHARD F. LERT³
JOHN A. HOFFMAN
STEPHEN E. BARCAN
BARRY M. EPSTEIN⁴
VINCENT P. MALTESE
DAVID M. WILDSTEIN
GORDON J. GOLUB
MARVIN J. BRAUTH⁵
STUART A. HOBERMAN⁶
STEPHEN A. SPITZER
ANNE S. BABINEAU⁷
CHRISTINE D. PETRUZZELLI
BRIAN J. MOLLOY
RANDALL J. RICHARDS
JOSEPH J. JANKOWSKI
DAVID S. GORDON
FREDERICK J. DENNEHY
ROY H. TANZMAN⁸
STEVEN J. TRIPP
JAY J. ZIZNEWSKI
ALAN WASSERMAN⁹
JAMES E. TRABILSY
MAUREEN S. BINETTI¹⁰
ANTHONY J. PANNELLA, JR.
MICHAEL J. BARRETT¹¹
MICHAEL F. SCHAFF¹²
ANGELO JOHN CIFALDI
KEVIN M. BERRY¹³
JOHN T. KELLY¹⁴
C. KENNETH SHANK¹⁵
EDWIN LEAVITT GRUBERGER¹⁶
BRUCE M. KLEINMAN¹⁷
BARRY A. COOKE¹⁸
JON G. KUPILIK
PETER R. HERMAN¹⁹
EDWARD T. KOLE

HESSER G. McBRIDE, JR.
ERIC JOHN MARCY
ROBERT C. KAUTZ²⁰
VIOLA S. LORDI²¹
LYNNE M. KIZIS
KEVIN P. RODDY²²
DANIEL S. BERNHEIM²³
DAVID H. STEIN
DOUGLAS WATSON LI²⁴
DOMINICK J. BRATTI
LISA A. GORAB²⁵
LAWRENCE F. JACOPO²⁶
BETH HINSDALE PILLER
FRED HOPKE²⁷
DONALD E. TAYLOR²⁸
BRETT R. HARRIS²⁹
JEFFREY W. CAPPOLA
ALFRED M. ANTHONY³⁰
DARREN M. GELBER³¹
WILLIAM J. LINTON
DONNA M. JENNINGS
GIOVANNI ANZALONE
PETER A. GREENBAUM³²
WILLARD C. SHIH³³
BLAIR R. ZWILLMAN³⁴
LAWRENCE C. WEINER³⁵
LAURIE E. MEYERS
JOHN M. CANTALUPPI³⁶
BARBARA G. QUACKER³⁷
DAVID P. PEPE
JOHN E. HOGAN³⁸
EVERETT M. JOHNSON³⁹
DANIEL R. LAPINSKY⁴⁰

OF COUNSEL
ROBERT A. PETITO
HAROLD G. SMITH⁴¹
ALAN B. HANDLER⁴²
MYRON ROSNER⁴³
R. BENJAMIN COHEN⁴⁴
FRANCIS V. BONELLI

COUNSEL
RUTH D. MARCUS⁴⁵
RICHARD J. BYRNE⁴⁶

JAMES E. TONREY, JR.⁴⁷
DEIDRE WOLFE PACHECO⁴⁸
ROBERTO BENITES
JONATHAN J. BART⁴⁹
YVONNE MARCUSE
ABBY RESNICK-PARIGIAN⁵⁰
BRIAN KALVER⁵¹
ELLEN TORREGROSSA-O'CONNOR
AMANDA F. SHECHTER⁵²
BARBARA J. KOONZ⁵³
TODD E. LEHDER⁵⁴
PHILIP A. TORTORETI⁵⁵
KELLY A. ERHARDT-VIGJIE⁵⁶
FRANCINE E. TAJFEL
EDWARD J. ALBOWICZ⁵⁷
ALEX LYUBARSKY⁵⁸

ASSOCIATES
LINDA LASHBROOK
LORETTA KIRSCH PRIVES⁵⁹
ELIZABETH C. DELL⁶⁰
LETITIA ACCARRINO⁶¹
ALBERTINA WEBB⁶²
JOHN P. MURDOCH II
MARY H. SMITH
ANNA I. MONFORTH
STEPHANIE D. GIRONDA
KEVEN H. FRIEDMAN⁶³
GREGORY D. SHAFFER⁶⁴
JESSICA S. PYATT
LOUIS J. SEMINSKI, JR.
MICHAEL F. FRIED⁶⁵
MICHELE C. LEFKOWITZ⁶⁶
DASHIKA R. WELLINGTON⁶⁷
ROBERT L. SELVERS⁶⁸
PAMELA R. GOLD-ZAFRA⁶⁹
ALYSON M. LEONE⁷⁰
VINCENT CHENG⁷¹
MICHAEL J. WEISSLITZ
JAMIE M. BENNETT⁷²
MARCELLO DE PERALTA⁷³
KEITH L. HOVEY⁷⁴
JOSEPH J. RUSSELL, JR.⁷⁵

EMILY D. VAIL⁷⁶
CHERYL E. CONNORS
CHAD R. SIMON⁷⁷
ANTHONY WILKINSON⁷⁸
JAY B. FELDMAN⁷⁹
JAMES TRACY
LOUIS A. GREENFIELD⁸⁰
JULIA A. LOPEZ⁸¹
AMY HERBOLD
DARRON E. BERQUIST⁸²
DOUGLAS M. SILVESTRO
DANIEL J. KLUSKA
KARIN K. SAGE
JOSEPH D. CASTELLUCCI, JR.
REBECCA J. WHITMARSH⁸³
MICHAEL L. GALVIN
SATISH V. POONDI
ERICA A. RODRIGUEZ
CARRIE S. FORD
KUSH SHUKLA⁸⁴
RACHEL M. COLANCECCO⁸⁵
VICTORIA HWANG-MURPHY⁸⁶
GLENN P. PRIVES⁸⁷
ANNEMARIE T. GREENAN⁸⁸

4 Certified Civil Trial Attorney
10 Certified Criminal Trial Attorney
11 Certified Workers Comp. Attorney
* National Certified Civil Trial Specialist
Approved by the ABA
1 Not admitted NJ
2 Admitted NY
3 Admitted PA
4 Admitted CT
5 Admitted DC
6 Admitted MA
7 Admitted MD
8 Admitted VA
9 Admitted CA
10 Admitted FL
11 Admitted PR
12 Admitted VI

December 1, 2011

VIA USPS EXPRESS MAIL OVERNIGHT

The Honorable Michael A. Hammer, U.S.M.J.
United States District Court
District of New Jersey
Martin Luther King, Jr. Federal Building
& U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

RE: Safar v. Cox Enterprises Inc, et al.
Civil Action No.: 10-3069 (JLL)

Dear Judge Hammer:

Please be advised that this firm represents Plaintiffs in the above-captioned matter that was previously case managed by Your Honor on October 5, 2011. As the Court will recall, at the time of the October 5, 2011 case management conference, Your Honor extended the period for fact discovery due to the fact that the two representatives of defendant identified with knowledge of plaintiff's incident, and who responded to the scene and completed incident reports, were unavailable. Specifically, Kathy Giordano, had experienced a stroke and was recovering and Karl Kilpatrick had been terminated wherein defense counsel was to provide me with a last known address for Mr. Kilpatrick.

Via letter dated November, 15, 2011 (copy attached hereto) defense counsel, for the first time, provided me with the last known address for Mr. Kilpatrick, however, in this same letter, I was informed by counsel that I would not have the opportunity prior to the current fact discovery deadline to depose Ms. Giordano because she has not been medically cleared by her physician. As the Court is aware, plaintiff cannot complete discovery with respect to the liability issues in this matter without deposing Mr. Kilpatrick and Ms. Giordano. I have discussed this matter with defense counsel, Douglas Sanchez, and he has advised me that Ms. Giordano will likely not be available for her deposition until January 2012.

RECEIVED
DEC - 6 2011
AT 8:30
WILLIAM T. WALSH, CLERK



Since the October 5, 2011 case management conference, the subject location of plaintiff's fall was made available for inspection by defendants and my engineering expert conducted an inspection of same on November 21, 2011. Additionally, a subpoena for Mr. Kilpatrick's deposition is in the process of being served and same is scheduled for January 5, 2012.

Accordingly, in light of the foregoing, I respectfully request that the Court conduct a brief telephone status conference to discuss these discovery issues and entertain an extension of time for plaintiffs to conduct fact discovery.

I thank the Court for its attention and courtesy in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Giovanni (John) Anzalone'.

GIOVANNI (JOHN) ANZALONE

GA/ja

Enclosures

cc: Douglas V. Sanchez, Esq.

ORDER ON INFORMAL APPLICATION:

Plaintiffs' request to extend fact discovery is granted - FACT DISCOVERY SHALL BE COMPLETED BY JANUARY 31, 2012; AFFIRMATIVE EXPERT REPORTS SHALL BE SUBMITTED BY MARCH 1, 2012; RESPONSIVE EXPERT REPORTS SHALL BE SUBMITTED BY APRIL 1, 2012; EXPERT DISCOVERY SHALL CLOSE ON MAY 1, 2012; THE 2/28/12 Settlement conference shall be converted to a telephone status conference during which the Court will set a new date for the Settlement Conference.

THERE WILL BE NO FURTHER EXTENSIONS OF THE FOREGOING DEADLINES.

SO ORDERED.

Michael J. Hammer, USMT
12/9/11